

Message Text

CONFIDENTIAL

PAGE 01 BERLIN 01421 01 OF 02 171816Z

45

ACTION EUR-25

INFO OCT-01 ADP-00 EURE-00 SS-15 NSC-10 CIAE-00 PM-07

INR-10 L-03 NEA-10 NSAE-00 PA-03 RSC-01 PRS-01

USIA-15 TRSE-00 MBFR-03 SAJ-01 DODE-00 NIC-01 ACDA-19

IO-13 OMB-01 EB-11 SCA-01 RSR-01 /152 W

----- 115651

P R 171720Z AUG 73

FM USMISSION BERLIN

TO AMEMBASSY BONN PRIORITY

INFO SECSTATE WASHDC PRIORITY 2259

AMEMBASSY BELGRADE

AMEMBASSY BUCHAREST

AMEMBASSY BUDAPEST

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY PRAGUE

AMEMBASSY SOFIA

AMEMBASSY WARSAW

USMISSION NATO

C O N F I D E N T I A L SECTION 1 OF 2 BERLIN 1421

E.O. 11652: GDS

TAGS: PGOV, PFOR, GW, BU, BZ, HU, WB

SUBJECT: FRG NEGOTIATIONSWITH CZECHS, HUNGARIANS AND BULGARIANS

REF: A) BONN 11578; B) BONN 11667

1. WE AGREE WITH INTERPRETATION OF CONSULAR SERVICES
PROVISION OF QA SET FORTH BY EMBASSY, REF A. ANNEX IV
OF QA CONFIRMS SOVIET AGREEMENT THAT FRG MAY PROVIDE
CONSULAR SERVICES FOR PERMANENT RESIDENTS OF WSB. WHILE
QA SPEAKS OF SERVICES FOR INDIVIDUALS RATHER THAN FOR
WSB ITSELF OR WSG INSTITUTIONS, NEGOTIATING RECORD CITED
BY EMBASSY MAKES CLEAR THAT SOVIETS AGREED FRG COULD
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BERLIN 01421 01 OF 02 171816Z

REPRESENT RESIDENT OF WSB IN CIVIL LAW MATTERS. VIENNA

CONVENTION OF 1963 MAKES CLEAR IN TURN THAT EXECUTION OF LETTERS ROGATORY OR TRANSMITTAL OF OTHER JUDICIAL DOCUMENTS IS STANDARD COMPONENT OF CONSULAR WORK. REQUEST BY WSB COURT FOR NECESSARY ASSISTANCE RATHER THAN SEPARATE REQUEST BY ONE OR MORE LITIGANTS WOULD BE NORMAL WAY FOR THIS TYPE OF ASSISTANCE TO BE OBTAINED. THEREFORE, USE OF WSB COURT-FRG EMBASSY CHANNEL WOULD SEEM TO US WELL WITHIN SPIRIT OF QA AND IN FACT ONLY PRACTICAL WAY FOR FRG TO FULFILL RESPONSIBILITY TO REPRESENT PERMANENT RESIDENTS OF WSB ON CIVIL LAW MATTERS. WE WOULD NOTE, HOWEVER, THAT ACCEPTANCE OF FRG EMBASSY AS CONDUIT FOR LETTER ROGATORY IS SEPARATE MATTER FROM AGREEMENT THAT LEGAL ASSISTANCE WILL IN FACT BE GRANTED BY COURT OF STATE CONCERNED. IN ABSENCE OF SPECIFIC TREATY ON LEGAL ASSISTANCE EASTERN EUROPEAN COURT WOULD PRESUMABLY REMAIN FREE TO ACCEDE TO OR REJECT ANY PARTICULAR REQUEST.

2. EMBASSY TEXT, PARA 7 REF B, STRIKES US AS ACCURATE RENDITION OF ALLIED POINT OF VIEW ON THIS MATTER. WHILE RECOGNIZING THAT IT IS ENVISAGED THAT EXT WOULD BE CONVEYED ORALLY BY FRG TO CZECHS, BULGARIANS AND HUNGARIANS, WE WONDER, HOWEVER, WHETHER IT IS DESIRABLE TO HAVE FRG SPEAK QUITE SO FORMALLY ON OUR BEHALF ABOUT INTERPRETATION OF TREATY TO WHICH CZECHS, BULGARIANS AND HUNGARIANS ARE NOT PARTY. IT SEEMS TO US THAT FRG MIGHT CONVEY ESSENTIALLY SAME POLITICAL POINT BY SAYING THAT THEY HAD CONSULTED WITH ALLIES WHO WERE OF SAME MIND ABOUT RELEVANT PORTION OF QA AS FRG. IN EVENT THIS COMMUNICATION WAS NOT ENOUGH TO BRING ABOUT FAVORABLE OUTCOME IN NEGOTIATION, THOUGH LINKED TO FRG'S OWN REPRESENTATIONS, POSSIBILITY WOULD STILL EXIST FOR ALLIES, SHOULD SITUATION WARRANT, TO GIVE FORMAL INTERPRETIVE STATEMENT TO SOVIETS WHO ARE PARTIES DIRECTLY AT INTEREST IN QA MATTERS. WE ARE SOMEWHAT CONCERNED THAT SOMETHING QUITE AS FORMAL AS THAT CONTAINED REF B MIGHT GIVE UNDESIRABLE APPEARANCE THAT FRG AND THE EASTERN EUROPEAN NEGOTIATING PARTNERS HAVE COMPETENCE TO ENGAGE ALLIES IN DIALOGUE, EVEN INDIRECT DIALOGUE, AIMED AT GIVING DEFINITIVE INTERPRETATION OF QA, WHICH IS OF COURSE FUNCTION THAT MUST BE RESERVED SOLELY FOR PARTIES TO QA.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BERLIN 01421 01 OF 02 171816Z

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BERLIN 01421 02 OF 02 171822Z

41

ACTION EUR-25

INFO OCT-01 ADP-00 EURE-00 SS-15 NSC-10 CIAE-00 PM-07

INR-10 L-03 NEA-10 NSAE-00 PA-03 RSC-01 PRS-01

USIA-15 TRSE-00 MBFR-03 SAJ-01 DODE-00 NIC-01 ACDA-19

IO-13 OMB-01 EB-11 SCA-01 RSR-01 /152 W

----- 115701

P R 171720Z AUG 73

FM USMISSION BERLIN

TO AMEMBASSY BONN PRIORITY

INFO SECSTATE WASHDC PRIORITY 2260

AMEMBASSY BELGRADE

AMEMBASSY BUCHAREST

AMEMBASSY BUDAPEST

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY PRAGUE

AMEMBASSY SOFIA

AMEMBASSY WARSAW

USMISSION NATO

C O N F I D E N T I A L SECTION 2 OF 2 BERLIN 1421

3. WHILE IT IS TOO EARLY TO KNOW AT THIS POINT WHETHER IT
WOULD BE USEFUL FOR ALLIES TO SPEAK DIRECTLY TO SOVIETS IN
THIS AFFAIR, THAT POSSIBILITY SHOULD NOT BE EXCLUDED.
INDEED, DEPENDING UPON TACTICAL NEGOTIATING SITUATION THAT
EXISTS BETWEEN FRG AND EASTERN EUROPEANS, WE COULD SEE
CERTAIN ADVANTAGES. FRG HAS APPARENTLY CHOSEN TO VIEW
THIS PROBLEM IN QA CONTEXT THOUGH IT NEED NOT NECESSARILY
HAVE BEEN SO APPROACHED. IF EMBASSY JUDGES THAT FRG HAS
POLITICAL MUSCLE TO FORCE RETREAT ON EASTERN EUROPEANS AND
THAT IT IS PREPARED TO USE THAT MUSCLE, THEN IT MAY BE
USEFUL FOR US TO POSITION OURSELVES IN A WAY IN WHICH
WE CANNOT ONLY WIN POINTS WITH FRG FOR OUR GENERAL
WILLINGNESS TO BE HELPFUL BUT CAN ALSO REINFORCE POINT
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BERLIN 01421 02 OF 02 171822Z

THAT OUR ASSISTANCE REMAINS NECESSARY ON MATTERS
RELATING TO QA INTERPRETATION. IF WE DO NOT SO POSITION

OURSELVES AND FRG PUSHES THIS PROBLEM THROUGH TO SUCCESSFUL CONCLUSION WITH MINIMAL ALLIED ASSISTANCE, RESULT COULD BE THAT IN FUTURE FRG MIGHT ATTEMPT TO WORK OUR DIFFICULT MATTERS OF QA INTERPRETATION WITH EASTERN EUROPEANS WITHOUT FURTHER REFERENCE TO ALLIES. IN LONGER RUN THIS COULD PRODUCE DIFFICULTIES, PARTICULARLY IF FRG WERE TO CONCLUDE THAT IT COULD ALSO DEAL WITH SOVIETS DIRECTLY ON QA INTERPRETATION.

4. OUR SUGGESTION, THEREFORE, IS THAT WE NOT ONLY SANCTION FRG TO TELL EASTERN EUROPEANS INFORMALLY THAT THEY UNDERSTAND ALLIED INTERPRETATION OF QA TO BE CONSISTENT WITH FRG'S ON THIS POINT, BUT THAT WE ALSO TELL FRG WE ARE PREPARED IN PRINCIPLE, DEPENDING UPON REVIEW OF TACTICAL SITUATION AFTER FRG MAKES INFORMAL APPROACH TO CZECHS, BULGARIANS AND HUNGARIANS, TO SPEAK WITH SOVIETS ALONG LINES OF PARA 7 REF B. THIS WOULD LEAVE US WITH SUFFICIENT FLEXIBILITY TO PULL BACK IF IT APPEARS THAT FRG ITSELF IS NOT DETERMINED TO PRESS ISSUE SINCE, ABSENT CONTINUED STRONG FRG INTEREST AND WILLINGNESS TO USE ITS POLITICAL MUSCLE WITH EASTERN EUROPEANS, WE WOULD NOT JUDEG THIS ASPECT OF FRG-WEST BERLIN TIES TO BE OF SUFFICIENT MAGNITUDE TO WARRANT DIRECT ALLIED INVOLVEMENT.KLEIN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 17 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: hilburpw
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BERLIN01421
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS KLEIN
Errors: N/A
Film Number: n/a
From: BERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730832/aaaaaxkl.tel
Line Count: 193
Locator: TEXT ON-LINE
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: A) BONN 11578; B) BONN 11667
Review Action: RELEASED, APPROVED
Review Authority: hilburpw
Review Comment: n/a
Review Content Flags:
Review Date: 13 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <13-Aug-2001 by izenbei0>; RELEASED <13-Aug-2001 by izenbei0>; APPROVED <19-Sep-2001 by hilburpw>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FRG NEGOTIATIONSWITH CZECHS, HUNGARIANS AND BULGARIANS
TAGS: PGOV, PFOR, GE, BU, CZ, HU, WB
To: n/a
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005